

# EXHIBIT 1

Patti Nemeth, M.D.

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

— — —

IN RE DEPAKOTE: :  
RHEALYN ALEXANDER, :  
et al., : No.  
Plaintiffs, : 12-52-NJR-SCW  
vs. :  
ABBOTT LABORATORIES, :  
INC., :  
Defendant. :

DEPOSITION UNDER ORAL EXAMINATION OF  
PATTI NEMETH, M.D.

9:00 a.m.

Rio Rancho, New Mexico

— — —

REPORTED BY: DANA SREBRENICK, CRR, CLR

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1 Q. And to be clear, you're not here as an  
2 expert witness in this case?

3 MR. KLATT: Objection to form and  
4 foundation.

5 MR. OTT: Go ahead.

6 A. That's what I understand.

7 BY MR. BROSS:

8 Q. And you may hear sometimes some  
9 objections and you can answer those unless you're  
10 instructed not to for some reason.

11 MR. KLATT: We have to just make those  
12 for the record and it doesn't affect what you do.

13 THE WITNESS: Okay.

14 MR. KLATT: Unless your attorney tells  
15 you otherwise.

16 THE WITNESS: Okay.

17 Q. And we're just here because you're  
18 personally involved in the care of Ms. Sansone; is  
19 that correct?

20 A. Yes.

21 Q. And today we're going to focus on the  
22 care and the decisions that you made in your care  
23 of Ms. Sansone.

24 A. Okay.

25 Q. Do you have any independent recollection

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1     you in 2006 that she got very dizzy and spacey  
2     from Keppra, correct?

3           A.     Yes, she said very dizzy and spacey.

4           MR. BROSS: Can you clarify the year?

5           MR. KLATT: That was 2006.

6           MR. OTT: That's 10/6/2006.

7           BY MR. KLATT:

8           Q.     Then as a matter of fact, on the very  
9     next page of Exhibit 4, page 39.

10          A.     Yes.

11          Q.     You received a call from her in November  
12     2006, which was over a month after she indicated  
13     that Keppra was making her dizzy and spacey, and  
14     she reported that Keppra was making her psychotic,  
15     irrational and angry; is that correct?

16          A.     That's right.

17          Q.     And that indicated to you that she could  
18     not tolerate Keppra?

19          A.     That's right.

20          Q.     And so you used Depakote for Ms. Sansone  
21     in 2003 and 2004 and 2005 because you thought in  
22     your professional judgment it was the best choice  
23     for her, considering her entire medical history,  
24     her types of seizures and the other medications  
25     that she had been tried on or that were available;

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1 is that right?

2 A. That's right.

3 MR. BROSS: Object, form.

4 BY MR. KLATT:

5 Q. And so as of 2004, you believed that  
6 Depakote was essential and necessary to treat her  
7 condition; is that right?

8 A. Yes.

9 Q. Would you agree with me that some of  
10 these newer medications like Lamictal and Topamax  
11 and Keppra, because they were newer, simply had  
12 not yet had the track record in terms of safety  
13 that some of the older drugs like Depakote and  
14 Dilantin and Tegretol had, particularly with  
15 reference to birth defects?

16 MR. BROSS: Object to form.

17 A. It's hard to answer directly. I had to  
18 go by the class -- the FDA class that was  
19 established, and Keppra and Lamictal were class C.  
20 Topiramate was D, I believe. And I only added  
21 that on to Depakote because of the side effects of  
22 weight gain after she was pregnant -- finished --  
23 completed her first pregnancy.

24 Q. And that Topamax was the one that she was  
25 unable to continue because of its effects on her

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1 CERTIFICATION

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4 I, DANA N. SREBRENICK, a Certified Court  
5 Reporter for and within the State of New Mexico,  
6 do hereby certify:

7 That the witness whose testimony as herein  
8 set forth, was duly sworn by me; and that the  
9 within transcript is a true record of the  
10 testimony given by said witness.

11 I further certify that I am not related to  
12 any of the parties to this action by blood or  
13 marriage, and that I am in no way interested in  
14 the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand this 5th day of October 5, 2016.

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19 \_\_\_\_\_  
DANA N. SREBRENICK, CLR, CRR

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